

**Before the State of South Carolina  
Department of Insurance**

**JAN 5 2005**

STATE OF SOUTH CAROLINA  
DEPARTMENT OF INSURANCE

In the matter of:

Mr. Mike T. Fallaw, dba, A-1 Bonding  
353 Walden Avenue  
Leesville, South Carolina 29070

SCDOI File Number 2004-123562

**Consent Order  
Imposing Administrative Penalty As  
Precondition to Remain Licensed**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Mike Fallaw, of A-1 Bonding & Enterprises, Inc., a licensed South Carolina resident Professional Bail Bondsman.

Upon review of this matter, I hereby find as fact that Mr. Fallaw did fail to timely file his Bond Report with the Clerk of York County, South Carolina. Mr. Fallaw acknowledges this, but contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these actions can ultimately lead to the revocation of his license to transact the business of surety bail bondsman in South Carolina, following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-53-160 (Supp.2003).

Rather than awaiting the outcome of impending administrative disciplinary proceedings against him, Mike Fallaw and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision. The consensual recommendation was that in lieu of the Department seeking to revoke Mr. Fallaw's license, he would waive his right to a public hearing, and pay an administrative penalty in the amount of \$1,000.00 dollars, to our Department.

Section 38-53-310 of the South Carolina Code of Administrative Laws states in pertinent part: "Each professional bail bondsman shall by the fifteenth of each month file with the clerk of court of the county of his principal place of business and any other county where he is doing business, a written report in a form prescribed by the Director or his designee, regarding all bail bonds on which he is liable as of the first day of each month, showing: (a) each individual bonded; (b) the date the bond was given; (c) the principal sum of the bond; (d) the state or local official with whom the bond was filed; (e) the fee charged for the bonding service in each instance; and (f) all pending bonds. Similarly, §38-53-150(a) grants the Director of Insurance the authority to revoke "any license issued under this chapter for... (1) any cause sufficient to deny issuance of the original license"; (2) violation of any laws of this State relating to bail course or dealings under the license issued him by the Director"; (7) failure to comply with or violation of the provisions of Chapter 53 or of any order or regulation of the Director."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Mike Fallaw did violate S.C. Code Ann. § 38-53-310 (Supp. 2003). As a result, I can now take administrative disciplinary action against his resident surety agent's license, and his business' license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-53-150(B)(Supp. 2003), and after carefully considering the recommendation of the parties, I hereby impose against Mr. Fallaw and his agency, an administrative penalty in the amount of \$1,000.00 dollars. If he fails to pay the fine within ten days upon receipt of this Order, both his license to transact business as a professional bail bondsman and that of his business will be revoked without any further disciplinary proceedings.

The parties have reached this agreement through negotiation and compromise and in consideration of the Department having never taken any administrative disciplinary action against either Mike T. Fallaw or A-1 Bonding & Enterprises, Inc. before, of Mr. Fallaw being current with all of his monthly filings, and of his assurances that in the future he will comply with all of the State's insurance laws. The parties expressly agree and understand that Mike Fallaw's payment of the fine shall constitute full accord and satisfaction of this matter.

By his signature upon this consent order, Mike Fallaw acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2003).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(3) (Supp. 2003), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore ordered, that Mike T. Fallaw shall pay an administrative penalty in the amount of \$1,000.00 dollars.

It is further ordered that a copy of this consent order be placed in Mr. Fallaw's licensing file.

This consent order becomes effective as of the date of my signature below.

  
Gwendolyn Fuller-McGriff  
Deputy Director

Jan 5, 200<sup>5</sup>~~4~~, at  
Columbia, South Carolina

I CONSENT:

Mike T. Fallaw

Mike T. Fallaw, dba A-1 Bonding & Enterprises, Inc.  
353 Walden Avenue  
Leesville, South Carolina 29070.

Dated this 31 day of December, 2004